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United States Virgin Islands

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I. Background information

1. The Territory of the United States Virgin Islands[1] is located in the eastern part of the Caribbean Sea, approximately 1,000 miles south-east of Miami and 45 miles east of Puerto Rico. The Territory is made up of three main islands (St. Croix, St. John and St. Thomas) and one small island (Water Island) recently transferred to the jurisdiction of the territorial Government. The capital, Charlotte Amalie, is located on St. Thomas.

2. Visited by Christopher Columbus in 1493 (along with what are now the British Virgin Islands), the islands were Danish territory from 1754 to 1917 when they were purchased by the United States of America. They were administered by the United States Navy until 1931, after which they came under the administration of the United States Department of the Interior. Currently, the Office of Insular Affairs carries out the Secretary of the Interior's responsibilities for the Territory and other insular areas. The Office of Insular Affairs Strategic Plan for 2000 to 2005 is based on two goals: assisting the Islands in developing more effective government by providing financial and technical assistance, and helping to manage Federal-island relations by promoting appropriate Federal policies.[2]

3. According to the United States Census results released in July 2001, the population of the Virgin Islands in 2000 stood at 108,612, an increase of seven per cent (6,803 persons) since the previous census was conducted in 1990. Growth rates during the same period were 6 per cent in both St. Thomas and St. Croix and 20 per cent in St. John.[3] According to press reports, the data showed that, on the more populated islands of St. Thomas and St. Croix, people had migrated from towns to rural areas owing to unrepaired hurricane damage, urban decay and the construction of low-income housing outside the town areas. The media attributed the increase on St. John Island, two thirds of which consists of National Park land, to new homes being built in the community of Coral Bay, on the east of the island.[4]

4. Immigration into the Territory has declined over the past several decades. Native Virgin Islanders were a minority in the 1980 and 1990 censuses, but were a majority again by 1995, as children of the immigrant population raised the number of native-born. Currently, those born within the United States and its territories make up 66.8 per cent of the population. The percentage of residents born outside the United States has remained stable in the past decade, from 33.9 per cent in 1995 to 33.2 per cent in 2000. Foreign immigrants are mostly from the Eastern Caribbean and the Dominican Republic, while domestic migrants come from Puerto Rico and the mainland United States. According to statistics from the Immigration and Naturalization Service, the number of illegal immigrants apprehended territory-wide grew from 202 in fiscal year 1998 to 622 in fiscal year 2001.[5]

II. Constitutional, legal and political aspects

A. General

5. The United States Virgin Islands constitute an organized, unincorporated Territory of the United States. With the adoption by the administering Power of the Organic Act of the Virgin Islands (1936) and its revision in 1954, the Territory was granted a measure of self-government over local affairs. Executive power is vested in a popularly elected Governor, who appoints, with the advice and consent of the Legislature, the heads of the executive departments.

6. Since the Organic Act of the Virgin Islands was revised by the administering Power in 1954, there have been five attempts to replace it with a locally written constitution approved by the people of the Territory that would organize the internal mechanisms of government. None of the five attempts was successful. Regarding the Territory's political status, the first and only referendum on a range of political options was conducted in 1993. However, only 27 per cent of the electorate voted and, of those, 80.3 per cent voted to retain the current status. The result was considered invalid since less than 50 per cent of the electorate had voted. In 2000, legislation was introduced in the territorial Senate to create the mechanisms for the establishment of a constitutional convention; however, the bill died when the Legislature was adjourned at the end of the year. According to media reports, in August 2001, a territorial senator again introduced a draft bill requesting the Legislature to convene a constitutional convention in 2003.[6] At the time of writing, no further action had been reported. The draft constitution emerging from the convention would have to be submitted to the Territory's electorate in a referendum and, subsequently, to the United States Congress, which has the power to amend, approve or reject it. In this connection, in May 2000, the legislative process

began in the House Resources Committee in Washington, D.C., for the passage of a proposed bill (H.R. 3999) to clarify the process for the United States Virgin Islands and Guam to adopt a local constitution. The bill would have extended the time span that Congress has to review any draft constitution submitted by these Territories from 60 days to an open-ended period and would also have confirmed that the completion of a local constitution by the territorial electorate would not preclude their right to self-determination and the modification of the present political status arrangements. However, the House Committee of the Whole never acted on the bill and, as per congressional rules, it expired.[7]

7. The judicial system includes two courts: the United States Federal District Court of the Virgin Islands, whose judges are appointed by the President of the United States with the advice and consent of its Senate; and the United States Territorial Court of the Virgin Islands, whose nine judges are appointed by the Governor. The Federal District Court has jurisdiction in civil, criminal and federal actions. In April 2001, the Virgin Islands Legislature adopted Bill number 24-0039 to petition the United States Congress to amend the Revised Organic Act of 1954 to require that the Attorney-General of the Territory be popularly elected. According to the Bill, this step "would benefit the people of the Virgin Islands by permitting the Attorney-General to prosecute cases independent of any pressures from the executive or legislative branches of Government".[8]

8. The Legislature, a unicameral body currently comprising 15 senators, is elected for a two-year term by a popular vote (see para. 9 below on legislative steps to change the number of senators). The Legislature has the power to enact such laws as are consistent with federal laws made applicable to the Territory by the United States Congress and do not impair rights guaranteed by treaties, international agreements, or rights contained in the Organic Act's Bill of Rights. Under the latter are enumerated, inter alia, rights of due process and equal protection, and freedoms of speech, assembly and religion. The Legislature may also issue bonds, levy customs duties (up to 6 per cent) and oversee executive departments. Legislation is subject to approval by the Governor, whose veto can be overridden by two thirds of the Legislature. The United States Congress retains the right to annul any act of the local legislature. The United States Virgin Islands is represented in the House of Representatives of the United States Congress by a popularly elected delegate who may vote in the committees in which he or she is a member, but not in floor votes. There is no representation in the United States Senate, nor does the Territory have the constitutional right to participate in elections for the President of the United States.

9. Regarding the number of local senators, the twenty-second Virgin Islands Legislature passed a resolution to petition the United States Congress to reduce its size. Following this, Delegate Donna Christian-Christensen introduced draft bill H.R. 2296 into Congress. Passed by Congress on 12 September 2000 and signed by the President on 4 December, the bill amended the Revised Organic Act of 1954 to provide that the number of members of the Virgin Islands Legislature and the number of such members constituting a quorum are to be determined by the laws of the United States Virgin Islands. In support of the bill, the delegate stated that it gave her constituents a greater degree of self-government by allowing them and not Congress to determine the size of the local Legislature. She added that the Territory continued to struggle with a severe fiscal crisis and that H.R. 2296 was seen by some islanders as a means of saving scarce funds by reducing the size of the Legislature. She concluded that she had drafted the bill to cede the authority to restructure the Legislature to the Virgin Islands, rather than have Congress prescribe a specific number of local senators because, in her estimation, all alternatives that could produce more accountability and reduce budgets ought to be considered, not just the reduction in numbers.[9] The question was also put to the islanders in a referendum held together with the general elections on 7 November 2000. An overwhelming majority of voters (14,949 against 2,120) requested that the Legislature be downsized, with 12,589 of the "yes" vote wanting the number of senators reduced from 15 to 9. However, when Bill number 24-0061 calling for the reduction in the number of senators was discussed in the Senate on 18 July 2001, it was defeated by 10 to 5 votes. According to media reports, the Senator who introduced the legislation stated that, despite the opposition of two thirds of his colleagues, the issue would emerge again because the wishes of the voters in the referendum must be respected.[10]

B. Recent elections and political issues

10. In January 1999, the governorship of the Territory changed hands, from Roy L. Schneider of the

Independent Citizens' Movement to Charles W. Turnbull of the Democratic Party, following elections in November 1998. Mr. Turnbull won the election with 58 per cent of the vote against the incumbent, Mr. Schneider, who obtained 40.9 per cent. The next gubernatorial elections will be held in November 2002.

11. The most recent elections were held on 7 November 2000, when voters went to the polls to elect a Delegate to Congress and the 15 senators to the twenty-fourth Legislature. Donna Christian-Christensen was re-elected Delegate to Congress. The Legislature is made up of seven Democrats, two members of the Independent Citizens' Movement and six non-party affiliate members. The next elections for Delegate and Legislature are scheduled for November 2002.

12. During the annual State of the Territory address in January 2002,[11] Governor Turnbull stated that, while the economy, along with the rest of the nation, faced new challenges in the aftermath of the events of 11 September 2001, the state of the Territory, for the third year in a row continued to improve and grow stronger. According to the Governor, despite an unacceptable rise in homicides, serious crime overall had continued to decrease, and tourism had shown remarkable resilience in the face of recession on the mainland and the great anxiety caused by terrorist attacks. In addition, the Government had made significant further progress in getting its fiscal house in order, moving towards a balanced budget and meeting its obligations to its citizens and workers. Regarding the Territory's relationship with the federal Government, during 2001 Delegate Christian-Christensen focused on economic issues, such as lifting the cap on Medicaid, extending the Rum Tax rebate and seeking measures to make up for potential losses in the Territory should tax cuts be introduced. In addition, she sought clarification on the ownership of the underwater area off St. John designated a National Monument (see para. 55).[12]

III. Budget

13. According to press reports, in January 1999, the incoming Governor said that the territorial Government bore a long-term debt of approximately $1 billion in addition to other obligations, including $66 million in outstanding vendor payments, $24 million in delayed tax refunds and $90 million owed to other funds and for unpaid debts of previous years. Four months later, the Governor announced that the treasury was $5 million short of the amount needed to pay government salaries, and that, for the first time in the Territory's history, public salaries would not be paid as scheduled. Following meetings held in Washington, D.C., with the Secretary of the Interior, the Governor appointed an economic recovery task force, composed of representatives of the territorial Government, legislature and judiciary. The head of the Task Force reported in January 2000 that the public debt in the Territory had reached an "unimaginable" $1.12 billion with the past six years, showing a government deficit. The report added that, without measures to reduce expenditure and increase revenue, the deficit would reach a figure between $80 million and $100 million annually by 2004. The report proposed measures that would produce a budget surplus of $212 million in the next five years. In fiscal year 1999, the United States' legislative appropriation for the United States Virgin Islands was $489.2 million. In 2000, the Territory received special extra funding of $5.4 million to address critical federally ordered or mandated infrastructure needs. The disbursement was made contingent upon the Territory establishing financial and accountability performance standards. The budget was agreed on in the framework of the Office of Insular Affairs' 2000-2005 Strategic Plan which, inter alia, calls for all insular governments to be implementing long-term plans to improve financial management by 2005. As a further incentive, the proposed 2001 budget for the Territory included an advance appropriation of $10 million to continue addressing critical infrastructure needs, which would not be available, however, until fiscal year 2002 and then only upon certification by the Department of the Interior that performance standards had been complied with.

14. The fiscal year 2002 budget of $551 million (up from the 2001 budget of $429 million) presented by the Legislature was signed into law by the Governor in October 2001. According to media reports, the Governor expressed concern over the "unprecedented specificity" of the line items contained in the 2002 budget and he urged the Senators to consider returning to the previous lump-sum budget format which gave departments more leverage in determining their own needs. He also warned that recent events on the mainland could have a trickle-down effect and that, should the revenue picture change, the Territory would have to spend less.[13] In his State of the Territory address of January 2002, the Governor reported that, in spite of the odds, over the last three years, the

Government had "restored fiscal discipline, earned the respect of the federal Government, developed a five-year economic recovery plan, generated record revenues, paid delinquent tax refunds and overdue vendor bills, reduced its debt, paid government-workers their long-delayed increases and laid the foundation for a broad-based recovery that can survive the uncertainties on the mainland".

15. Regarding efforts to reduce the size of the Government, the Governor reported a 20 per cent employment reduction in the executive branch since 1999 accomplished through attrition and voluntary retirements. Overall government employment, including the three branches of government and independent agencies, had been reduced by some 700 workers during 2001. The government workforce was now reported to be the smallest in 25 years. Meanwhile, there had been considerable growth in the private sector (see para. 39).

16. The Governor also stressed continuing progress in efforts to generate new sources of revenue, both at the local and federal level and to reduce the heavy burden of the Territory's accumulated debt. Owing to more effective collection efforts by the Bureau of Internal Revenue and the success of the Economic Development Authority in expanding the financial services industry and attracting other business, total tax collection had increased from $484 million in fiscal year 2000 to $518 million in fiscal year 2001. In addition, lobbying continued in Congress to achieve an extension of the rum tax rebate formula and to protect the Virgin Islands' rum industry. In October 2001, the Ways and Means Committee of the House of Representatives voted to exclude rum from the scope of a new United States trade agreement with Andean nations, thereby protecting the Islands' rum industry from new duty-free competition in mainland markets.[14] In March 2002, the President of the United States signed into law an extension of the rum tax rebate of $13.25 per proof gallon of rum for two more years. According to the office of Delegate Christensen, in recent years, the rum tax rebate has pumped nearly $75 million per year into the Territory's coffers.[15] The territorial Government has also lobbied Congress to extend federal income tax rebates to all Island taxpayers and to have the federal Government share the cost of the Earned Income Tax Credit programme, which provides relief for low-income residents. If successful, the latter would save the territorial Government some $10 million per year while speeding up benefits for needy citizens.

17. According to the Governor, major efforts had been made to face the massive debt to the federal Government inherited from previous administrations, particularly the $200 million owed to the Federal Emergency Management Agency, which had kept the territorial Government afloat in the aftermath of Hurricanes Hugo and Marilyn. Within the debt relief provisions of the Federal Credit Reform Act, the Hurricane Hugo debt had been removed from the government books in December 2001. Similar efforts were now under way to resolve the Hurricane Marilyn debt. Finally, a special effort had been made since 1999 to "revolutionize" relations with the federal Government by completing seven full financial audits, thus achieving, for the first time in history, full compliance with the standards of the Single Audit Act. That step not only protected existing sources of funding but would establish a credible foundation for seeking additional discretionary federal assistance in the coming years.

IV. Economy

A. General

18. In 2000, the gross domestic product (GDP) per capita in the Virgin Islands was estimated at $15,000. GDP per capita in mainland United States during the same year was estimated at $36,200. Tourism is the primary economic activity, accounting for more than 70 per cent of GDP. It is followed by the manufacturing sector, which consists of petroleum refining, textiles, electronics, pharmaceuticals and watch and jewellery assembly.[16]

19. With the reduction in the size of its public sector, the Government is intensifying efforts to promote new private sector investment in the Territory. In February 2001, legislation was passed to consolidate a number of smaller development bodies into the new Economic Development Authority (EDA), a semi-autonomous authority aimed at encouraging the expansion of established businesses, luring new operations to the Territory and improving accountability. Speaking at the beginning of 2002, the Governor reported that EDA had been successful in its first year in promoting tourism-related ventures and further developing the financial services industry. More recent efforts are aimed at bringing technology companies to the islands.

20. Regarding trade, the United States Virgin Islands is exempt from the Jones Act, which requires that freight moving between United States ports be carried by United States-flagged ships. The Territory benefits from other favourable trade concessions as part of its relationship with the administering Power. Nonetheless, the Territory generally runs at a trade deficit, owing to its heavy reliance on imported goods, most of which come from the mainland United States. In 1995, the Territory's imports were valued at $3,300 million, and exports at $3,036 million, according to publicly available Department of Interior figures.

B. Economic sectors

1. Agriculture, livestock and fisheries

21. Agriculture has played a small part in the Territory's economy since the decline of sugar production in the 1960s. In the 1990 census, only 1.2 per cent of the economically active population was engaged in agriculture or fishing, and by 2000, that figure had shrunk further to 0.7 per cent. As a result, the Territory imports about 90 per cent of its food, at a cost of between $200 million and $300 million per year. Development of agriculture is hindered by high production costs and water scarcity. However, incentives to promote agriculture do exist. In particular, farm land is tax exempt, farm income is taxed at a lower rate than other income and imported farm equipment is 50 per cent exempt from excise taxes. In addition, a number of local and federal programmes provide assistance for agricultural development.

22. In February 2001, the Senate held marine industry hearings in an attempt to revive the Territory's declining fisheries. Among the key issues discussed were the need to rebuild the Frederiksted Fisherman's Pier, which was wrecked by Hurricane Georges in 1998, and the importance of helping local fishermen compete with their neighbours from the British Virgin Islands. In October 2001, the Territory's Fish and Wildlife Division was awarded a $62,000 grant by the United States Department of Commerce to develop a cooperative programme to determine the monthly commercial harvest in weight and dollar value of all marine commercial fishing landed in the United States Virgin Islands.[17] In his January 2002 address, the Governor spoke of the scheduled completion during 2002 of a new fish market on St. Croix which would benefit local fishermen and vendors.

2. Manufacturing and industry

23. Manufacturing incentives are provided by a trade regime that confers unique advantages on the United States Virgin Islands. Items assembled in the Territory can be exported duty free into the United States, even if up to 70 per cent of its value consists of foreign dutiable components. Other incentives include 90 per cent exemption from local corporate income taxes for 10 to 15 years for new manufacturers. Goods manufactured for export include watches, textiles, electronics, pharmaceuticals and rum, which is responsible for 15 per cent of the Territory's export revenue.

24. Employment in manufacturing fell to 2,210 in 1997, owing primarily to the closure of two of the seven watch assembly plants in the Territory. In 2000, the United States Congress approved legislation sponsored by the United States Virgin Islands Delegate to extend federal wage credits, originally designed for the Territory's watch industry, to manufacturers of fine jewellery. According to Governor Turnbull, four mainland jewellery manufacturers relocated to St. Croix in 2000 to take advantage of this federal incentive. The new industry is expected to create several hundred jobs in the coming years.

25. The industrial sector is dominated by the Hess Oil Refinery (St. Croix), one of the largest in the Western hemisphere, which employs 2,000 workers. In 1998, the Hess Oil Corporation formed a 50 per cent joint venture with Petróleos de Venezuela to own and operate the refinery. The new corporate entity was named Hovensa L.L.C. The refinery has the capacity to process some 495,000 barrels of crude oil per day.[18] In February 2000, Hovensa announced the investment of $600 million in the construction of a new coke project (a plant that converts pitch, the least valuable portion of crude oil, into higher value products) on St. Croix. In January 2002, the Governor stated that the Public Finance Authority had authorized $63 million in private activity bonds to help finance the new coke plant, which he emphasized, was essential to keep Hovensa competitive with mainland refineries.

3. Tourism

26. The tourism sector accounts for more than 70 per cent of the gross territorial product and employs, directly and indirectly, around two thirds of the workforce. In his State of the Territory address, the Governor reported that tourism continued to be the Territory's number one

revenue generator and the key to current and future economic success. Despite the initially devastating blow of the events of 11 September 2001, the cruise ship sector had shown great resilience and still finished with a 4 per cent increase in passenger arrivals over 2000. The West Indian Company Limited reported that cruise lines were responding to passengers' demands for calls at American flag ports and forecast that during 2002, several mega ships would enter the Virgin Islands market, replacing older and smaller vessels.

27. The Governor also reported that his administration had worked hard in the aftermath of the terrorist attacks to create a recovery plan for the private sector and the airlines. By January 2002, American Airlines, Delta Air Lines and United Airlines had virtually returned to their regular flight schedules to the Islands. The Territory also expected to benefit from current low fares, competitive hotel packages and airline promotions. According to the Governor, the robustness of the hospitality industry was due to the important advantage of the islands over foreign jurisdictions for United States visitors and to the innovative and aggressive advertising campaigns carried out in 2001.

28. Efforts are also under way to promote private sector investment in new hotels and renovations. The Governor reported on several projects for St. Thomas, such as the approved $100 million Marriott Timeshare development, the planned $165 million Botany Bay development and the $80 million Carifest Theme Park project. In addition, major tourism projects have been approved for St. Croix. In January 2001, the Senate unanimously approved the rezoning of 615 acres on the island's south shore to create the $500 million Robins Bay hotel and casino complex.[19] According to the Governor, two other major tourist destinations on St. Croix are under negotiation. It is estimated that the Robins Bay complex will create about 1,000 construction jobs and employ some 2,500 employees once the first stage of the facilities is completed.[20] Following the Divi Carina Bay Hotel and its adjoining casino (the first on St. Croix), which opened in March 2000, the new projects are hailed by the media as further catalysts to revitalize the economy of St. Croix, which had been in recession since Hurricane Hugo in 1989.

C. Finance

1. Local financial services

29. According to the most recent information provided by the administering Power (see A/AC.109/2076, paras. 12 and 13), as of 1995 deposits in the eight major financial institutions operating in the Territory (Banco Popular, Bank of St. Croix, Chase Manhattan, Citibank, First Bank P.R., First Virgin Islands Federal Saving Bank, Bank of Nova Scotia and Virgin Islands Community Bank) exceeded $1.2 billion. Time deposits, primarily in non-United States banks, represented 25 per cent of the total. The banks offer a full range of personal and corporate financial services. All banks are regulated by the territorial Banking Board, headed by the Lieutenant Governor. United States banks operating in the Territory are also regulated and insured by United States law and institutions.

30. Insurance is available through agents who represent major international insurance companies. The insurance industry is regulated by the Lieutenant Governor, who serves as Insurance Commissioner. The year 2001 was marked by an ongoing controversy between the Insurance Commissioner and banking officials on the one hand and insurance companies on the other hand. According to the media, at issue are the opinion held by the Insurance Commissioner and others that the cost of insurance in the Territory is too high; the mutually accepted fact that there is a dearth of new insurers in the islands; and the insurers' views that a ban on legitimate rate increases has kept new insurance firms from doing business in the Virgin Islands. In December 2002, the controversy increased when the Commissioner imposed a six-month moratorium on companies to stop them from cancelling customers' property policies.[21] As of March 2002, the matter remained unresolved.

2. International finance

31. A report issued in June 2000 by the Organisation for Economic Cooperation and Development (OECD) included the United States Virgin Islands in a list of 35 jurisdictions that met the technical criteria for being tax havens,[22] namely: having low or no taxes; lack of effective exchange of information on the tax regime; lack of transparency in tax matters; and facilitating "ring-fencing", the establishment of foreign entities without the need for a substantive local presence.

According to press reports, the inclusion of the Territory on the list puzzled local financial authorities given that it has an established tax system, provides for the exchange of tax information and is transparent in accordance with federal and local statutes and regulations. Regarding OECD concerns about "ring-fencing", it has been pointed out that the United States Congress expressly gave the Territory authority to host "exempt companies" (foreign corporations that are exempt from federal and territorial income tax, but pay the local Government an annual franchise tax), as part of the Tax Reform Act of 1984 and the implementation agreement in place in 1987.[23] In March 2001, OECD convened meetings with local authorities to discuss the matter directly. A year later, on 13 March 2002, it was announced that OECD had removed the Territory from its list. According to an OECD statement quoted by the media, "The United States Virgin Islands largely satisfies the OECD requirements with respect to transparency and, where this is not the case, has committed to reviewing its account filing or audit requirements with the objective of ensuring that, by 31 December 2005, they meet the standards to be developed by the OECD". The Governor is quoted as reiterating that the Territory should never have been on the list in the first place: "Our programme was specifically authorized by Congress and was specifically intended to provide multinational corporations with legitimate business and tax-planning opportunities. It was not intended to facilitate tax evasion, money laundering or other illicit activities through secrecy or by discouraging cooperation with foreign tax authorities."[24]

D. Transportation and communications

32. The Territory has five major docking facilities. South Shore (St. Croix) is located near the St. Croix airport and industrial park, and handles lift-on/lift-off and roll-on/roll-off vessels. Gallows Bay (St. Croix) has a combined berthing space of 700 feet and a small roll-on/roll-off ramp. Frederiksted's (St. Croix) 5,216-foot port can berth two large cruise ships and two mini-cruise ships simultaneously and can accommodate naval submarines. Crown Bay (St. Thomas) has three cruise ship docks operated by the Virgin Islands Port Authority, a semi-autonomous government agency, as well as a 900-foot wharf that can accommodate roll-on/roll-off cargo and container and break-bulk operations. The West Indian Company bulkhead pier (St. Thomas) is privately operated, primarily for cruise ships. Capital projects under way or to be initiated within the Port Authority's 2002 budget on St. Thomas are the development of the Red Hook Marine facility, continued harbour dredging, upgrading of the Charlotte Amalie waterfront and expansion of the Crown Bay dock. On St. Croix, the Gallows Bay Dock is to be expanded, while on St. John, the long-awaited $16 million Enighed Pond cargo facility is to be built.[25]

33. The Port Authority operates two international airports, Cyril E. King Airport on St. Thomas and Henry Rohlsen Airport on St. Croix. An expansion project for St. Croix's airport currently under way includes a new terminal and control tower and the lengthening of the runway from 7,600 to 10,000 feet. According to Governor Turnbull, the $40 million terminal project is virtually complete while the expanded runway is to be finalized by July 2002. This will allow jumbo aircraft to be flown directly to St. Croix from the west coast of the United States, Canada, Europe and South America.

E. Utilities, water and sanitation

34. Electricity is thermally generated using imported fuels. The Water and Power Authority serves approximately 47,000 customers. Major generating facilities are located on St. Thomas and St. Croix, and a standby facility is located on St. John. Transmission and distribution of power is typically 13,800 volts, 3 phase, 60 hertz throughout the Territory. According to the Governor, one of the major accomplishments of his office in 2001 has been to reduce significantly a seven-year-old debt which the central Government owes the Authority for providing water and electrical power. In 2001, the Authority completed several disaster mitigation projects funded by the Federal Emergency Management Agency to ensure the supply of energy to hospitals and airports in emergency situations.

35. Owing to limited freshwater supplies, salt water is used extensively for non-domestic purposes, including firefighting and sewerage. The Water and Power Authority desalinates water and collects rainwater for domestic use. A desalination plant on St. Thomas produces 4.45 million gallons per day. Wells, particularly on St. Croix, supply the remainder of the freshwater necessary. Owing to the high cost of water, average daily consumption is about 50 gallons per person per day, about one third the United States average.

36. The Territory's waste disposal systems are in urgent need of improvement. The Governor reports that landfills are overflowing, sewage systems are antiquated, breakdowns are frequent and the Territory increasingly violates federal environmental mandates, with heavy fines. The Federal Aviation Authority has ordered the existing "Anguilla" landfill on St. Croix closed by December 2002 because of the threat that scavenging birds and dump fires cause to aviation at nearby Henry E. Rohlsen Airport. According to the Executive Director of the Port Authority, the Territory stands to lose millions of dollars in federal funds and to have the airport closed if the deadline is not met, an outcome which seems inevitable according to recent media reports.[26] Also of concern is the deficient sewage disposal system in the Territory, much of which, according to media reports, is inoperable or on the verge of collapse and frequently results in untreated waste water being released into the Caribbean Sea. The territorial Department of Public Works and the United States Environmental Protection Agency continue to strive to bring the Territory's waste disposal and treatment systems into environmental compliance. A modern waste-water treatment plant has been opened on St. John and the long-awaited Mangrove Lagoon facility is being built to replace smaller outdated plants on the east end of St. Thomas. The territorial Government's proposal to develop an integrated solid waste management facility as an alternative power and water source on St. Croix came to a standstill after the Water and Power Authority decided that the gasification technology required was not cost-effective. The Governor continues to believe that this is the most viable solution to the Territory's waste disposal situation and power needs.

V. Military issues

37. According to the most recent information provided by the administering Power (see A/AC.109/2014, para. 19), the United States Navy maintains a radar and sonar calibration station and a headquarters building for its underwater tracking facility. There are permanent recruitment centres for the armed forces and a detachment of the United States Coast Guard on St. Thomas. The Virgin Islands National Guard is headed by an adjunct general appointed by the President of the United States. In recent months, the National Guard has been deployed at the Territory's two airports to supplement security.[27] The Territory remains a port of call for United States naval vessels and those of its allies.

VI. Social conditions

A. Labour

38. Employers in the United States Virgin Islands must follow federal and territorial labour laws, such as minimum wage and hours, standards of safety and occupational health and payment of social security and unemployment insurance. The Territory has an insurance programme for the unemployed. The latest figures from 1999 show the unemployment rate to be 4.9 per cent.[28] In March 2002, the President of the United States signed into law the Job Creation and Workers Assistance Act, which includes an extension of federal unemployment benefits from 26 weeks to 39 weeks. An agreement was also signed with the United States Department of Labor to ensure that the Territory will be able to tap into federal funds for unemployment.[29]

39. In 1997, the federal and local Governments combined accounted for 13,800 jobs, approximately one third of all civilian employment in the Territory. As part of the 1999 agreement with the Department of the Interior to reverse the Territory's severe public finance problems, the government payroll was to be cut by 5 per cent per year for five years. In his January 2002 State of the Territory address, the Governor reported successful reductions in all three branches of the Government and independent agencies (see para. 15) and stated that the relative size of the government workforce had dropped from almost one third of total employment to less than 27 per cent in 2002. According to the Governor, pro-business policies had allowed the restructuring to take place without an adverse effect on total employment. It is reported that, largely through the growth in construction and manufacturing on St. Croix, private sector employment in the Territory increased by more than 1,300 jobs over the year 2000, generating an increase in overall employment from 46,400 jobs to 47,500 jobs.

40. In addition, the Governor reported that, during 2001, the Office of Collective Bargaining had worked to resolve a number of serious labour disputes, the majority of which were the result of "years of impulsive spending and poor financial planning". The

Office had successfully implemented 13 public sector contracts, affecting 4,200 government employees and retirees, as well as new agreements with nurses, assistant attorneys general, teachers and the Police Benevolent Association.

B. Education

41. Education is compulsory and free for all children between 5 and a half and 16 years of age. The territorial Department of Education administers 32 schools on St. Thomas, 14 on St. Croix and 2 on St. John. According to the administering Power, maintenance of the physical facilities is poor and vandalism is a constant problem. The 2000 Census data issued in February 2002 reflected school enrolment of children three years and older to total 32,119. Of those, 52.5 per cent attended elementary school, 23.2 per cent attended High School and 9 per cent attended college or graduate school. The Census also reported that 60.6 per cent of the population aged 25 and over are high school graduates while 16 per cent have bachelor's degrees or higher.

42. The University of the Virgin Islands has campuses on St. Thomas and St. Croix and provides courses in business administration, the humanities, social sciences and teacher education, and occupational courses in accounting, business management, secretarial administration, nursing, police science and administration. In January 2002, the territorial Senate passed legislation to create the University's Research and Technology Park on St. Croix. Supporters of the initiative claim it will bring in research dollars to help the depressed economy of the island and provide opportunities for young islanders to pursue careers in the Territory.[30]

43. Regarding academic standards in the Territory's public schools, fourth grade scores in basic subjects are lower than the national average according to nationwide tests conducted by the National Center for Education Statistics. The media has reported that according to the Nation's Report Card for Mathematics 2000 and the Nation's Report Card for Science 2000 issued by the Center (the results of nationwide math and science testing of students in grades 4 and 8), at the 4th grade level (the only level for which Virgin Islands public school results were reported), out of 45 states and other jurisdictions, the Territory ranked next to lowest, its scores higher only than those of American Samoa.[31] The Territory also ranked below the national average in the Nation's Report Cards for Reading and Writing, conducted separately in 1998.[32]

44. In his State of the Territory address, in January 2002, the Governor stated that education was the number one priority of his administration. He expressed concern over the fact that three of the Territory's public high schools may lose their accreditation with the Middle States Association of Colleges and Schools. In that regard, the Education Commissioner and school principals met with the Association in February 2002 to appeal the announced loss of accreditation and to commit to making improvements in four areas of concern, namely, site-based management, student attendance rates, teacher attendance rates and the building of an adequate pool of substitute teachers. A final decision on the matter is expected by 1 May 2002.[33] More broadly, the Territory's Department of Education is focusing on meeting the requirements of the federal education authorities regarding financial management, hiring practices and procurement practices in order to retain the approximately $26 million in federal education funds received each year.[34]

45. In spite of the difficulties listed above, in his annual address, the Governor also listed many accomplishments in the area of education during 2001. Among them were the successful recruitment of new teachers (80 per cent of them graduates of the University of the Virgin Islands), the establishment of a Master's Degree programme in school psychology, the launching of a virtual high school to allow students to take courses on-line and the reintroduction of a gifted and talented programme for grades 4 through 6. In addition, successful negotiations between the Department of Education and the American Federation of Teachers had led to two contracts for salary increases in 2001 and much progress had been made in upgrading facilities and school premises. Finally, the Governor stressed that the recently passed nationwide "No Child is Left Behind Act" would substantially increase federal assistance to the Territories and authorize the appointment of a special coordinator to assist in educational reforms

46. At the time of writing, the Public Education Reform Act of 2002 was still under discussion in the territorial Legislature. Sponsored by two senators, it proposes to transfer the management of the Territory's public school system from the Department of

Education to a "revamped" nine-member publicly elected school board. According to the media, the Education Commissioner has questioned the usefulness of a new structure.[35]

C. Public health

47. The Roy L. Schneider Hospital on St. Thomas offers general service and has 169 beds. The Governor Juan F. Luis Hospital on St. Croix has 120 beds. There is also a 16-bed private hospital on St. Croix. While overall responsibility for health centres is held by the Department of Health, legislation enacted in 2000 created semi-autonomous administration for the major hospitals. Members of the territorial Senate Committee on Health and Hospitals met with hospital administrators in February 2001 prior to Senate hearings on the matter and reported that the first year of semi-autonomy had had very positive results. According to media reports, in July 2001, the Governor Juan F. Luis Hospital on St. Croix received high marks and preliminary accreditation from the Joint Commission on Accreditation of Healthcare Organizations, an independent organization that evaluates health-care centres throughout the United States. Accreditation by the Joint Commission allows hospitals to remain eligible for Medicare funds and attracts grant-giving agencies, donors and highly qualified professionals. Meanwhile, a mock survey carried out in the Roy L. Schneider Hospital on St. Thomas led consultants and the hospital management to decide that many improvements remained to be made before it could apply for inspection by the Joint Commission.[36]

48. In January 2002, Governor Turnbull reported that the Virgin Islands Department of Health had addressed several public health issues during 2001, including the nationwide threat of anthrax contamination. The threat of bioterrorism notwithstanding, the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) continued to be the most serious public health problem. In 1999, for the first time, the Territory was the recipient of grants from the federal Department of Health and Human Services to improve access to support services and medication for HIV/AIDS. A total of 470 AIDS cases had been reported in the Territory by June 2000. According to VICARE, an AIDS outreach organization in the Territory, the latest statistics from the end of 2000 showed the Virgin Islands to have the fifth highest rate of new AIDS cases in the country and one of the highest rates of AIDS among women in the United States.[37] In that respect, the Governor reported that the Department of Health's STD/HIV/TB programme (for sexually transmitted diseases, HIV/AIDS and tuberculosis) had received new funding and hired new staff trained in infectious diseases. That programme, funded under the only federal grant that does not require local matching, is directed towards services for children, youth, women and families impacted by HIV.

49. The Governor also reported that progress continued to be made in regular health programmes. Using funds from the $21 million tobacco settlement bond issue, construction would soon begin on a new seven-bed cardiac unit at the Governor Juan F. Luis Hospital and a modern cancer treatment centre at the Roy L. Schneider Hospital. Those new facilities would enable many seriously ill patients to be treated at home rather than off the islands. Other capital improvement projects under way were the renovation of the Elda Schultenbrandt Mental Health Facility, repairs to the Charles Harwood Complex on St. Croix and the Morris F. de Castro Clinic on St. John, and renovations to the Division of Vital Statistics at the Old Municipal Hospital. In addition, during 2001, the Emergency Services had acquired two new ambulances.

D. Human rights and related issues

50. More than 3,000 black farmers from the United States Virgin Islands submitted a class action lawsuit against the United States Department of Agriculture in 1997, alleging that it discriminated against black farmers in its disbursement of loans. In January 1999, the Department settled the suit in favour of the farmers, agreeing to pay $50,000 to individual farmers and excusing their debts to the Department. In January 2000, residents of St. Croix joined a broad class action suit against the Department, alleging systematic discriminatory practices by its Rural Development Office against Blacks and Hispanics who tried to participate in its housing loans and grants programmes. Once again, the Department settled the suit by agreeing to pay each participant $50,000 and to have any debt written off. In addition, each would have $12,500 deposited in his/her name with the United States Internal Revenue Service to be applied to any tax liability on the $50,000. Since islanders pay taxes to

the Virgin Islands Revenue Bureau instead of the Internal Revenue Service, the federal Government held up full payments. In April 2001, Delegate Christensen addressed the Department of Justice to expedite payments. According to the media, Christensen estimated that the move would net the Virgin Islands treasury some $325,000 to $625,000 in tax revenue.[38]

E. Crime and crime prevention

51. High crime rates are a matter of concern in the United States Virgin Islands. According to the Federal Bureau of Investigation's Uniform Crime Report, in 2001 the Islands recorded 30 homicides, giving the territory a per capita homicide rate which is five times the national average. The Government has acknowledged that high crime rates undermine efforts to increase tourism and improve the economy. In 2001, the Senate passed legislation toughening the penalties for felons caught carrying illegal firearms and local prosecutors joined forces with the United States Attorney-General's Office to implement a new initiative called "Project Exile" to remove illegal guns from the community. In November 2001, the Governor named a new police chief and gave him a mandate to cut violent crime by 20 per cent. The new chief is reportedly striving to improve police-community relations and urging residents to come forward with information on gang violence and illegal arms.[39] In his State of the Territory address, in January 2002, the Governor reported that efforts were being made to improve the staffing and equipment of the Police Department by training new recruits, re-hiring retired police officers, acquiring new vehicles and persuading Congress to earmark special appropriations for the purchase of crime-fighting technology. He expressed dismay over the increase in violent crime against cruise-ship visitors and announced the creation of a special Crime Task Force to patrol beaches and main towns and to coordinate information activities with the taxi associations. The Governor also expressed outrage over the continuing high rate of child abuse, rape and domestic violence, which he described as a social cancer which must be addressed by the community at large.

52. An Adult Correctional Facility is located on St. Croix. In March 1999, a United States federal court ordered the local Government to relieve overcrowding at local prisons. At that time, the prison population in the Territory was 308. In addition, 192 inmates were incarcerated in off-island prisons to reduce overcrowding. In February 2001, a $26 million expansion of the Golden Grove Prison was completed, allowing for the return of 146 inmates who had been housed on the United States mainland. However, a number of hardened criminals have remained in the mainland prisons following an agreement between the territorial Government and the Commonwealth of Virginia. Meanwhile, the Governor has reported that progress is being made in cancelling a $10 million debt owed to the Federal Bureau of Prisons for housing Virgin Islands prisoners.

53. According to government and police authorities, the transit of illegal drugs through the Territory is a root cause of much of the violent crime. The local media reports United States Drug Enforcement Agency estimates, according to which 30 to 40 per cent of the cocaine destined for North America is moved through the Caribbean.[40] In 1994, the Office of National Drug Control Policy designated the United States Virgin Islands, along with Puerto Rico, a high intensity drug trafficking area. In August 2001, the Virgin Islands Attorney-General assumed the Chairmanship of the High Intensity Drug Trafficking Area Task Force, heading a 20-member Executive Board made up of local and federal law enforcement agencies from the Territory and Puerto Rico. The Task Force aims to reduce drug and gun smuggling and sales, money laundering and related violent crime.

VII. Environment

A. Protection of natural resources

54. According to the Environmental Protection Agency's region 2 state of the environment report (1998), the ecosystem of Caribbean islands faces threats not only from natural disasters, such as hurricanes, but also from human impacts, such as improperly treated sewage, extensive land conversion and deforestation, over-fishing and tourism-related activities. Conversely, protecting the ecosystems is important if economy-generating tourism is to be maintained. The Caribbean Environmental Protection Division of the Agency has an office on St. Thomas through which it works with both federal and local agencies to address chronic problems, such as ecosystem loss and improper landfill spaces, as well as the catastrophic effects of hurricanes. Disposal of solid

waste and sewage pose serious environmental problems in the United States Virgin Islands (see para. 36). In addition, reefs such as those near Salt River Bay in St. Croix depend on mangroves and sea grass colonies along the coast for protection against runoff. The Territory receives funding for environmental monitoring through the United States Commerce Department's National Oceanic and Atmospheric Administration and through the Environmental Protection Agency. In 2001, the University of the Virgin Islands completed its Virgin Islands Data Atlas, a model to evaluate small tropical ecosystems around the world.

55. In January 2001, days before he left office, former President Clinton signed a proclamation creating the new Virgin Islands Coral Reef National Monument in submerged lands off St. John. The designation furthered the protection of the Virgin Islands National Park created in 1956 and expanded in 1962.[41] The Monument covers 12,000 acres off St. John and also increases Buck Island Reef National Monument off St. Croix from 900 acres to some 18,000 acres. According to press reports, the measure has been controversial in the Territory, primarily among commercial fishermen who claim their livelihood will be affected by the ban on fishing and anchoring in the area. The National Park Service has two years to prepare a management plan for Buck Island and three years for the St. John monument. Meanwhile, the Virgin Islands Delegate to Congress continues to press for the General Accounting Office in Washington to issue a legal opinion on the ownership of the submerged monument lands.[42]

B. Disaster preparedness

56. The United States Virgin Islands faces recurrent hurricanes and flooding in addition to being located within an earthquake risk zone. The Federal Emergency Management Agency provides programmes of mitigation, preparedness, response and recovery in the Territory through the Virgin Islands Territorial Emergency Management Agency. Nonetheless, the costs of the repairs of combined damages to homes, businesses, utilities and commercial buildings caused by Hurricanes Hugo (1989), Marilyn (1995), Georges (1998) and Lenny (1999) continue to cause fiscal and financial problems in the Territory, despite federal assistance through grants and loans and close to $500 million distributed by the Federal Emergency Management Agency between 1995 and 2000. The territorial Government has resolved the problem of the federal loans covering Hurricane Hugo and is working on similar measures for loans on Hurricane Marilyn (see para. 17). In June 2000, the United States Senate Government Operations Committee approved a bill providing for the United States Virgin Islands to join the nation's Emergency Management Assistance Compact. This gives each member access to assistance from other member states or territories in the event of disasters, in addition to the assistance provided by the Federal Emergency Management Agency. During the 2001 season, the Virgin Islands were spared any hurricanes or tropical storms.[43]

VIII. Future status of the Territory

57. No significant action on the political status of the Territory has been taken since a referendum was held in 1993. In that ballot, only 27.4 per cent of registered voters voted on the question (of which 80.3 per cent supported the existing status, 14.2 per cent voted for full integration with the United States and 4.8 per cent voted for an end to United States sovereignty). The result was considered invalid as less than the requisite 50 per cent of the electorate voted.

A. Position of the territorial Government

58. Carlyle Corbin, on behalf of the Government of the United States Virgin Islands, spoke before the ninth meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 2 July 2001.[44] Speaking on the agenda item under consideration (Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies), he said that, of some 14 specialized agencies reviewed in 1998, seven of them had been found to have revised their procedures to increase the flexibility of their criteria for the participation of Non-Self-Governing Territories in their activities. None of the remaining seven had done so since. Some specialized agencies of the Economic and Social Council had said they did not consider it part of their mandate to implement the Declaration. It was clear that the Special Committee's repeated recommendations, made over several decades, had not been carried out. Modifications must be made

and a mechanism developed to ensure that the agencies carried out their activities in implementing the Declaration. Their seats at the Special Committee meetings remained chronically empty.

59. Mr. Corbin said that changes had been made allowing Non-Self-Governing Territories that were associate members of regional commissions to take part in world conferences, beginning with the United Nations Conference on Environment and Development (1992) through the 1999 special session on small island developing States. While grateful to the Caribbean and Pacific States, to the Group of 77 developing countries, to China, and to others for supporting the inclusion of Non-Self-Governing Territories in world conferences, he said that the extent of their actual participation, with the notable exception of the recent special session on HIV/AIDS, was inconsistent. No information was provided to them on the preparatory processes, which could be of immense assistance. The only available information was obtained from reports of the Secretary-General. In conclusion, he stressed that, in order to achieve their full measure of self-government as well as to develop economically and socially, the Non-Self-Governing Territories must have full access to the wide range of activities of the United Nations system.

B. Position of the administering Power

60. In a statement made to the 82nd meeting of the General Assembly on 10 December 2001,[45] a representative of the United States said that his country was fully supportive when countries chose independence and was proud to work with them on an equal and sovereign basis. For Territories that did not choose independence, however, the United States also supported the right of people in those Territories to a full measure of self-government, if that was what they chose. The United States reaffirmed its respect for their rights, which included the options of integration and free association. Given the vast variety of people, places and political circumstances that existed in the world, the United States believed that a single standard of decolonization should not be applied to every Territory and they called on all Member States to respect the choices made by the residents of Non-Self-Governing Territories.

61. In that regard, he said, the United States could not support the draft resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The draft resolution unfairly applied a single and narrow standard for decolonization. Indeed, for the United States, the term "non-self-governing" was of questionable applicability to those who were able to establish their own constitution, who elected their own public officers, who had representation in Washington and who chose their own economic path. Moreover, he said, the United States could not agree with the implication in the draft resolution that the mere presence of military activities and bases in the Non-Self-Governing Territories was harmful to the rights and interests of the people of those Territories. The United States could not support language that would infringe on the sovereign right of the United States Government to plan its military activities in accordance with its national security interests.

C. Action by the General Assembly

62. On 10 December 2001, the General Assembly adopted, without a vote, resolution 56/72, section XI of which concerns the United States Virgin Islands. In the resolution, the Assembly, inter alia, requested the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status; to continue to assist the territorial Government in achieving its political, economic and social goals; and to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States. The Assembly expressed concern that the Territory, which was already heavily indebted, had had to borrow $21 million from a commercial bank to carry out its year 2000 computer compliance programme, and called for the United Nations year 2000 programme to be made available to the Non-Self-Governing Territories. It noted that the general elections held in the Territory in November 1998 had resulted in an orderly transfer of power. The Assembly expressed concern that the territorial Government was facing severe fiscal problems, which had resulted in an accumulated debt of more than one billion United States dollars, welcomed the measures being taken by the newly elected territorial Government in addressing the crisis, including the adoption of a five-year operating and strategic financial plan and called upon the administering Power to

provide every assistance required to alleviate the fiscal crisis, including the provision of appropriate debt relief and loans. Finally, the Assembly noted that the 1994 report of the Territory's Commission on Status and Federal Relations had concluded that, owing to the insufficient level of voter participation, the results of the 1993 referendum had been declared null and void.

Notes

[1] The information contained in the present working paper was derived from information transmitted to the Secretary-General by the Government of the United States of America as well as from published sources.

[2] United States Department of the Interior, Office of Insular Affairs, *Strategic Plan 2000-2005*.

[3] United States Census Bureau, Press release, 3 July 2001.

[4] *St. Thomas Source*, 2 July 2001.

[5] *St. John Source*, 28 January 2002.

[6] *Virgin Islands Daily News*, 28 August 2001.

[7] Information from the Office of the United States Virgin Islands Delegate to Congress.

[8] Accessed at www.senate.gov.vi/Bill.

[9] Congressional records, accessed at http://thomas.loc.gov.

[10] *St. Thomas Source*, 20 July 2002.

[11] Accessed at www.gov.vi/state.

[12] Office of Congresswoman Donna Christian-Christensen, Highlights for the Hill, spring 2001.

[13] *St. Thomas Source*, 10 and 11 October 2000.

[14] Ibid., 6 October 2001.

[15] Ibid., 7 March 2002.

[16] United States Central Intelligence Agency, The World Factbook.

[17] *St. Thomas Source*, 3 October 2001.

[18] Accessed at www.hess.com/hovensa.

[19] Accessed at www.wsta.com, 31 January 2002.

[20] *St. Croix Source*, 26 January 2002.

[21] *St. Thomas Source*, 23 December 2001.

[22] Organisation for Economic Cooperation and Development, Progress in Identifying and Eliminating Harmful Tax Practices, June 2000.

[23] *St. Thomas Source*, 26 June 2000.

[24] *Virgin Islands Daily News*, 13 March 2002.

[25] *St. Thomas Source*, 19 September 2001.

[26] *Virgin Islands Daily News*, 5 March 2002.

[27] *St. Thomas Source*, 2 October 2001.

[28] United States Central Intelligence Agency, The World Factbook.

[29] *Virgin Islands Daily News*, 11 March 2002.

[30] *St. Thomas Source*, 1 February 2002.

[31] Ibid., 29 November 2001.

[32] Accessed at www.nces.ed.gov/naep3/states/profile.

[33] *Virgin Islands Daily News*, 5 March 2002.

[34] *St. Thomas Source*, 7 February 2002.

[35] Ibid., 5 February 2002.

[36] *Virgin Islands Daily News*, 6 July 2001.

[37] Ibid., 11 March 2002.

[38] *St. Thomas Source*, 30 April 2001.

[39] Ibid., 3 January 2002.

[40] Ibid., 9 August 2001.

[41] White House Press Office, 17 January 2001.

[42] *St. Thomas Source*, 20 November 2001.

[43] Ibid.

[44] See A/AC.109/2001/SR.9.

[45] A/56/PV.82.